

## § 702.1

- 702.106 Standard calculation of risk-based net worth requirement.
- 702.107 Alternative components for standard calculation.
- 702.108 Risk mitigation credit.

### APPENDIXES A—H TO SUBPART A

#### Subpart B—Mandatory and Discretionary Supervisory Actions

- 702.201 Prompt corrective action for “adequately capitalized” credit unions.
- 702.202 Prompt corrective action for “undercapitalized” credit unions.
- 702.203 Prompt corrective action for “significantly undercapitalized” credit unions.
- 702.204 Prompt corrective action for “critically undercapitalized” credit unions.
- 702.205 Consultation with State officials on proposed prompt corrective action.
- 702.206 Net worth restoration plans.

#### Subpart C—Alternative Prompt Corrective Action for New Credit Unions

- 702.301 Scope and definition.
- 702.302 Net worth categories for new credit unions.
- 702.303 Prompt corrective action for “adequately capitalized” new credit unions.
- 702.304 Prompt corrective action for “moderately capitalized,” “marginally capitalized” and “minimally capitalized” new credit unions.
- 702.305 Prompt corrective action for “uncapitalized” new credit unions.
- 702.306 Revised business plans for new credit unions.
- 702.307 Incentives for new credit unions.

#### Subpart D—Reserves

- 702.401 Reserves.
- 702.402 Full and fair disclosure of financial condition.
- 702.403 Payment of dividends.

AUTHORITY: 12 U.S.C. 1766(a), 1790d.

SOURCE: 65 FR 8584, Feb. 18, 2000, unless otherwise noted.

#### § 702.1 Authority, purpose, scope and other supervisory authority.

(a) *Authority.* Subparts A, B and C of this part and subpart L of part 747 of this chapter are issued by the National Credit Union Administration pursuant to section 216 of the Federal Credit Union Act (FCUA), 12 U.S.C. 1790d (section 1790d), as added by section 301 of the Credit Union Membership Access Act, Pub. L. No. 105-219, 112 Stat. 913 (1998). Subpart D of this part is issued

## 12 CFR Ch. VII (1-1-04 Edition)

pursuant to FCUA section 120, 12 U.S.C. 1766.

(b) *Purpose.* The express purpose of prompt corrective action under section 1790d is to resolve the problems of federally-insured credit unions at the least possible long-term loss to the National Credit Union Share Insurance Fund. This part carries out the purpose of prompt corrective action by establishing a framework of mandatory and discretionary supervisory actions, applicable according to a credit union's net worth ratio, designed primarily to restore and improve the net worth of federally-insured credit unions.

(c) *Scope.* This part implements the provisions of section 1790d as they apply to federally-insured credit unions, whether federally- or state-chartered; to such credit unions defined as “new” pursuant to section 1790d(b)(2); and to such credit unions defined as “complex” pursuant to section 1790d(d). Certain of these provisions also apply to officers and directors of federally-insured credit unions. This part does not apply to corporate credit unions. Procedures for issuing, reviewing and enforcing orders and directives issued under this part are set forth in subpart L of part 747 of this chapter, 12 CFR 747.2001 *et seq.*

(d) *Other supervisory authority.* Neither §1790d nor this part in any way limits the authority of the NCUA Board or appropriate State official under any other provision of law to take additional supervisory actions to address unsafe or unsound practices or conditions, or violations of applicable law or regulations. Action taken under this part may be taken independently of, in conjunction with, or in addition to any other enforcement action available to the NCUA Board or appropriate State official, including issuance of cease and desist orders, orders of prohibition, suspension and removal, or assessment of civil money penalties, or any other actions authorized by law.

#### § 702.2 Definitions

Except as provided below, the terms used in this part have the same meanings as set forth in FCUA sections 101 and 216, 12 U.S.C. 1752, 1790d.